

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

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PHOENIX BEVERAGES, INC., RODB LLC,
WINDMILL DISTRIBUTING COMPANY, L.P., UP
FROM THE ASHES, INC., and other affiliated
companies of PHOENIX BEVERAGES, INC.,

Plaintiffs,

v.

EXXON MOBIL CORPORATION, EXXONMOBIL
RESEARCH AND ENGINEERING COMPANY and
QUANTA RESOURCES CORPORATION,

Defendants.

EXXON MOBIL CORPORATION,

Third-Party Plaintiffs,

v.

ACE WASTE OIL, INC., et al

Third-Party Defendants.

Case No. 1:12-cv-3771 (PKC) (JO)

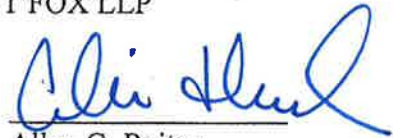
JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), Third-Party Plaintiff Quanta Resources Corporation and Third-Party Defendant Simmonds Precision Products, Inc. ("Simmonds"), by and through their attorneys, respectfully and jointly submit this Stipulation of Dismissal of the action against Simmonds without prejudice, each party to bear its own costs and fees.

Dated: November 26, 2013

ARENT FOX LLP

By:

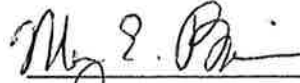


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*Attorneys for Third-Party Defendant Simmonds
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CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2013, a copy of the foregoing Stipulation of Dismissal Without Prejudice was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

/s/ Allen G. Reiter
Allen G. Reiter